

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DERRICK DEWAYNE MOFFITE

PETITIONER

V.

CIVIL ACTION NO. 3:21CV290-TSL-BWR

BRAND HUFFMAN

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Bradley W. Rath, and the court, having fully reviewed the report and recommendation entered in this cause on July 10, 2023, and no objection having been filed and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Bradley W. Rath entered on July 10, 2023, and the same is hereby adopted as the finding of this court. Accordingly, the petition for writ of habeas corpus, filed pursuant to § 2254, is hereby dismissed.

It is further ordered that a certificate of appealability is denied. Petitioner has failed to demonstrate that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right," nor has he shown that "jurists of reason would find it debatable whether [this]

court was correct in its procedural ruling." Slack v. McDaniel,
529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule
58 of the Federal Rules of Civil Procedure.

SO ORDERED this 1st day of August, 2023.

/s/Tom S. Lee_____
UNITED STATES DISTRICT JUDGE